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APPLICANT(S): CARTER-SMITH, Michael et al.  
SERIAL NO.: 10/730,250  
FILED: December 9, 2003  
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**REMARKS**

Concurrently with the filing of this Amendment With RCE, Applicants are concurrently filing a Request for Continued Examination (RCE) in response to the Final Office Action dated March 27, 2007 issued by the United States Patent and Trademark Office in connection with the above-identified Application. The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

**Status of Claims**

Claims 1-6 and 8-9 are pending in the application. In the Final Office Action, the Examiner maintained his previous rejection of Claims 1-6 and 8-9. Claim 1 has been amended herein.

Applicants respectfully assert that the claim amendment adds no new matter.

**CLAIM REJECTIONS**

In the final Office Action, the Examiner maintained his previous rejection of claims 1-6 under 35 U.S.C. § 102(b), as being anticipated by JP 11028242 to Hirano. Applicants traverse this rejection.

Applicants previously argued that Hirano teaches an acupressure ring for use exclusively for the head, not on an outer finger. The Examiner responded that the limitations of claim 1 do not give any structural limitations on the size of the claimed invention, and the device of Hirano can be held by a finger and, therefore, reads on the functional limitation of "worn on" the finger.

The undersigned attorney for Applicants appreciates the courtesies extended during telephone interview on May 1, during which appropriate structural limitations on the size of the claimed invention were discussed. In accordance with that discussion, the Applicants

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have herein amended claim 1 to recite that the two or more rings are "sized to be worn closely around the finger of a user".

It is well established that, in order to successfully assert a prima facie case of anticipation, the Examiner must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. In this case, Applicants assert that Hirano does not teach or suggest an acupressure ring for use on an outer finger comprising "two or more rings sized to be worn closely around the finger of a user" as recited in independent claim 1 as amended, from which claims 2-6 depend, either directly or indirectly. As argued previously, Hirano teaches an acupressure device exclusively for the head and having rings that are sized accordingly, namely large enough to be worn on the head, but not small enough "to be worn closely around the finger of a user".

Accordingly, Applicants respectfully assert that amended independent claim 1 is allowable. Claims 2-6 depend from, directly or indirectly, claim 1 as amended, and therefore include all the limitations of that claims. Therefore, Applicants respectfully assert that claims 2-6 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claim 1 and to claims 2-6 dependent thereon.

In the final Office Action, the Examiner the Examiner maintained his previous rejection claims 8 and 9 under 35 U.S.C. § 103(a), as being unpatentable over Hirano. Applicants respectfully traverse this rejection.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. § 2142). Since Hirano does not teach or suggest all the elements of independent claim 1, namely "two or more rings sized to be worn closely around the finger of a user", the Examiner fails to establish a prima facie showing that Hirano teaches or suggests every feature of claims 8 and 9.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

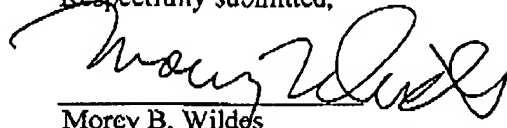
Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the

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prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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Dated: July 27, 2007

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